

Appln No. 10/814,618  
Reply to Office Action of January 26, 2005

**REMARKS/ARGUMENTS**

The Office Action dated January 26, 2005, has been reviewed and the comments carefully considered.

In the Office Action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions.

Applicant notes that certain documents previously filed with an Information Disclosure Statement dated August 11, 2004, were apparently not received at the U.S. Patent and Trademark Office. Applicant submits herewith a copy of this Information Disclosure Statement with the missing documents.

In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By Cynthia A. Bonner  
Cynthia A. Bonner  
Reg. No. 44,548  
626/795-9900

CAB/tt

TXT IRV1085151.1-\*04/21/05 11:04 AM

52230/CAB/A400

VERBENA PLANT NAMED 'SUNTAPILABU'

Botanical/~~commercial~~ classification:

*Verbena hybrida*/~~Verbena Plant~~

Varietal denomination: ~~ex.~~ 'Suntapilabu'

5 BACKGROUND OF THE VARIETY

The present invention relates to a new variety of Verbena plant, which originated from the crossing of a Verbena hybrid variety called 'T86-99-2' (unpatented) as the female parent and 'T85-99-2' (unpatented) as the male parent.

10 The verbena is a very popular plant and is used for flower bedding and potting in the summer season. There are only a few varieties of Verbena plants which have a spreading growth habit, abundant branching, a large number of flowers in clusters and a high resistance to rain, heat, cold, and disease. Accordingly, this invention was aimed at obtaining a new variety having a decumbent and compact growth habit, many branches, a large number of flowers in  
15 clusters, high tolerance to heat, rain, drought and cold, and resistance to disease and pests combined with strong purple petal coloration.

Progress

20 The female parent 'T86-99-2' (~~unpatented~~) used in the crossing of that produced 'Suntapilabu' is a strain of our breeding lines, having a decumbent growth habit ~~with long stems. It forms abundant clusters of attractive purplish white blossoms.~~ The peduncle is longer, and the spike diameter and the floret diameter are smaller, than those of 'Suntapilabu'. The petal color of 'T86-99-2' is purplish white, while that of 'Suntapilabu' is purple.

25 The male parent 'T85-99-2' (~~unpatented~~) used in the crossing of that produced 'Suntapilabu' is a strain of our breeding lines, having a decumbent growth habit ~~with long stems. It forms abundant clusters of attractive light blue blossoms.~~ The stem length is longer, and the plant height is lower, than that of 'Suntapilabu'.

52230/CAB/A400

The petal color of 'T85-99-2' is light blue, which is lighter than that of 'Suntapilabu' (near R.H.S. N81B).

In March 1999, crossing of 'T86-99-2' as the female parent and 'T85-99-2' as the male parent was conducted at Yokaichi-shi, Shiga-ken, Japan. In June 1999, seedlings were obtained from that crossing. These seedlings were grown in pots in glasshouses and were evaluated. ~~[[5]]~~Five seedlings were selected in view of ~~its~~their growth habit and flower color in October 2000. ~~That seedling was~~Those seedlings were propagated by cutting and a trial was carried out by flower potting and bedding from May to October 2001. The botanical characteristics of ~~that~~those plants were then examined, using similar varieties 'Sunmaref TP-L' (U.S. Plant Pat. No. 9121) and 'Sunmaref TP-V' (U.S. Plant Pat. No. 9411) for comparison. ~~As a result, one~~One plant was selected and determined to be ~~concluded that this Verbena plant is~~ distinguishable from any other Verbena variety, whose existence is known to us, and ~~is to be~~is uniform and stable in its characteristics. Then ~~the~~ new variety of Verbena plant was named 'Suntapilabu'.

In the following description, the color-coding is in accordance with the Horticultural Colour Chart of The Royal Horticultural Society, London, England (R.H.S. ~~Colour Chart~~).

#### SUMMARY OF THE VARIETY

This new variety is unlike any commercially available Verbena known to us ~~commercially available~~ as evidenced by the following unique combination[[s]] of characteristics.

1. Decumbent and compact growth habit with abundant branching.
2. Plentiful number of flowers in a spike having a great profusion of blooms with the entire plant remaining in bloom for a considerable period of time.
3. Long flowering duration.
4. The petal color is strong purple (near R.H.S. N81B).
5. The plant has a high resistance to rain, heat, disease and pests.

52230/CAB/A400

The new variety 'Suntapilabu' differs from the similar variety 'Sunmaref TP-L' in the following points.

1. The spreading area of 'Suntapilabu' is smaller than that of 'Sunmaref TP-L'.

2. The flower color of 'Suntapilabu' is strong purple (near R.H.S. N81B), while t. That of 'Sunmaref TP-L' is brilliant purple (near R.H.S. N88C).

3. The peduncle length of 'Suntapilabu' is shorter than that of 'Sunmaref TP-L'.

4. The flower fragrance of 'Suntapilabu' is present, while t. That of 'Sunmaref TP-L' is absent.

The new variety 'Suntapilabu' differs from the similar variety 'Sunmaref TP-V' in the following points.

1. The spreading area of 'Suntapilabu' is smaller than that of 'Sunmaref TP-V'.

2. The leaf of 'Suntapilabu' is smaller than that of 'Sunmaref TP-L'.

3. The spike length of 'Suntapilabu' is shorter than that of 'Sunmaref TP-V'.

4. The flower color of 'Suntapilabu' is strong purple (near R.H.S. N81B), while that. That of 'Sunmaref TP-V' is vivid purple (near R.H.S. N81A).

The new variety of Verbena Plant 'Suntapilabu' was asexually reproduced by the use of cuttings at Yokaichi-shi, Shiga-ken, Japan, and homogeneity and stability thereof were confirmed. The instant plant retains its distinctive characteristics and reproduces true to type in successive generations.

#### BRIEF DESCRIPTION OF THE PHOTOGRAPHS

The depicted plants had been reproduced by the use of cuttings and were photographed during April 2003 while growing outdoors in 24 cm pots at an age of approximately 6 months at Yokaichi-shi, Shiga-ken, Japan.

52230/CAB/A400

FIG. 1 illustrates a typical plant of the new variety of Verbena plant 'Suntapilabu' while growing in a pot.

FIG. 2 illustrates a close view of typical blossoms of the new variety of Verbena plant 'Suntapilabu'.

5 DESCRIPTION OF THE VARIETY

The botanical characteristics of the new and distinct variety of Verbena plant named 'Suntapilabu' are as follows when observed during October at Yokaichi-shi, Shiga-ken, Japan, at an age of approximately 6 months.

Plant:

- 10 Growth habit.-- Decumbent.  
Plant width.-- Approximately 62 cm.  
Plant height.-- Approximately 17 cm.

Stem:

- 15 Diameter.-- Approximately 2.0 mm.  
Anthocyanin pigmentation.-- Present.  
Pubescence.-- Sparse.  
Prickles.-- Absent.  
Branching.-- Abundant.  
Subterranean stem.-- Absent.  
20 Length of internode.-- Approximately 3.0 cm.

Leaf:

- Phyllotaxis.-- Opposite.  
Shape of blade.-- Hastate.  
Apex shape.-- Obtuse.  
25 Base shape.-- Truncate.  
Margin.-- Pinnatisect.  
Length.-- Approximately 2.0 cm.  
Width.-- Approximately 2.0 cm.

52230/CAB/A400

Color.-- Adaxial side: Near R.H.S. 137A (dark olive green); Abaxial side:  
Near R.H.S. 137C.

Pubescence.-- Normal.

Petiole.-- Absent.

5 Flower:

Shape of cluster.-- Obconical.

Spike length.-- Approximately 2.5 cm.

Spike diameter.-- Approximately 5.5 cm.

Facing direction.-- Upward.

10 Floret diameter.-- Approximately 1.7 cm.

Floret length.-- Approximately 1.3 cm.

Color of petal.-- Upper surface: Near R.H.S. N81B (strong purple); Lower  
surface: Near R.H.S. N81D.

Eye color.-- ~~Present~~ Near R.H.S. 155B.

15 Variegation.-- Absent.

Petal apex.-- Emarginate.

Petal width. -- Approximately 8.0 mm.

Petal length (from the throat). -- Approximately 6.6 mm.

Number of petals.-- Generally 5.

20 Calyx length.-- Approximately 0.9 cm.

Calyx shape.-- Tubular. Sepals haveing an acute apex ~~in~~ and are fused at the  
base.

Reproductive organs.-- 1 pistil and 4 stamens.

Pistil shape.-- Bifid.

25 Anther color.-- Near R.H.S. 1B (yellow green).

Filament color.-- Near R.H.S. 1B (yellow green).

Pollen.-- Present in a moderate quantity.

Stigma color.-- Near R.H.S. 4D (pale yellow green).

Style color.-- Near R.H.S. 144B (strong yellow green).

52230/CAB/A400

Ovaries.-- Commonly four in number.

Peduncle diameter.-- Approximately 2.0 mm.

Peduncle length.-- Approximately 3.0 cm.

Peduncle color.-- Near R.H.S. 137C (moderate yellow green).

5 Number of flowers.-- ~~Abundant~~ Approximately 25 florets per spike.

Flower fragrance.-- Present.

Flowering period.-- April to November in the southern Kanto area, Japan.

The plant shape does not change throughout this period. A typical flower commonly lasts 5 to 7 days on the plant when experiencing a temperature of approximately  
10 20°C.

Fruit and seed. -- Fruit and seed production has not been observed.

Physiological and ecological characteristics:

Resistance to rain.-- High.

~~Tolerance to cold. -- High.~~

15 ~~Tolerance to heat. -- High.~~

~~Resistance to disease. -- High.~~

~~Resistance to pests. -- High.~~

Winter hardiness. -- USDA Hardiness Zone 4-9 (Grown as perennial).

Heat tolerance. -- The plant grows well at temperatures up to at least 35°C.

20 Disease and pest resistance. -- Resistant to powdery mildew. No serious damage by pathogen and pests common to Verbena has been observed.

52230/CAB/A400

It is claimed:

A new and distinct variety of Verbena plant named 'Suntapilabu',  
substantially as herein illustrated and described.



52230/CAB/A400

VERBENA PLANT NAMED 'SUNTAPILABU'

ABSTRACT OF THE DISCLOSURE

Disclosed herein is a new and distinct variety of Verbena plant having a decumbent and compact growth habit. The Verbena plant has abundant branching, the whole plant remaining in bloom for a considerable period of time. The flowers are formed in profusion in a spike and the petals display a strong purple color. The blooming period is from April to November, and the flowering duration is long. The plant exhibits high tolerance to heat, high resistance to rain, pests and disease, particularly powdery mildew.